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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
PO BOX 1107
GREENVILLE, MAINE
04441

WALTER E. WHITCOMB
COMMISSIONER

PERMIT

AMENDMENT A TO DEVELOPMENT PERMIT DP 3856

BY SPECIAL EXCEPTION

The staff of the Maine Land Use Planning Commission (hereinafter the Commission), after reviewing the application and supporting documents submitted by Abol, LLC for Amendment A to Development Permit DP 3856, finds the following facts:

1. Applicant: Abol, LLC
Attn: David Surprenant
PO 536
Millinocket, Maine 04462
2. Date of Completed Application: November 17, 2015
3. Location of Proposal: T3 R11 WELS, Piscataquis County
Taxation Plan 01, Lot 2.3
4. Zoning: (D-GN) General Development Subdistrict
5. Lot Size: 14 acres

Background and Existing Conditions:

6. On March 29, 1988, the Commission approved Development Permit DP 3856, which authorized the construction of a 113 ft. x 50 ft. lodge with 20 guest rooms, a dining hall, kitchen, guest lobby and living quarters for the owners. That permit recognized the pre-Commission facility as a commercial use located in a D-GN Subdistrict. The existing structures within the pre-Commission commercial facility included seven rental cabins, a garage, two campers, a shed, parking, boat racks and a general store that also sold gas to the public. The lodge approved by this permit was never constructed.
7. The applicant purchased Prays General Store with Rental Cabins on April 12, 2012, with the structures shown on the plan entitled "Final Survey Plan Ripogenus Cottages Parcel" prepared by Plisga & Day, dated December 21, 2010. Over the past two years, the applicant has demolished and removed the mobile home, two garages, two sheds, the duplex rental cabin on the western side of the property and the general store. All structures were in regular active use at the time of demolition, which was less than two years from the date that this application was submitted. The applicant's site is currently developed with:
 - a) three approximately 25 ft. x 60 ft. 3 bedroom rental cabins with attached garages; and
 - b) one approximately 25 ft. x 80 ft. plus 15 ft. x 20 ft. wing, 4 bedroom duplex rental cabin.

NICHOLAS D. LIVESAY, EXECUTIVE DIRECTOR

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Project Summary and Discussion

8. The applicant proposes to reconstruct the general store and the duplex rental cabin that were demolished during the past two years. The proposed 20 ft. x 32 ft. reconstructed general store would be located approximately 48 feet from the traveled portion of the road and greater than 25 feet from the property lines. The original store was located less than 15 feet from the traveled portion of the road. The proposed 20 ft. x 32 ft. duplex rental cabin would be located approximately 115 feet from the traveled portion of the road and greater than 25 feet from the property lines.

Commission Review Criteria

9. Under the provisions of Section 10.11,C,2, of the Commission's Land Use Districts and Standards, a legally existing, non-conforming structure may be reconstructed or replaced with a permit, provided the permit application is completed and filed within two years of the date of removal; structure was in regular active use within two years of removal and if the reconstruction or replacement involves expansion, the structure meets the requirements of Section C,1. Reconstruction or replacement must comply with the current minimum setback requirements to the maximum extent.
10. Under provisions of Section 10.21C,3,d(1)(b) of the Commission's Land Use Districts and Standards, Commercial uses having a gross floor area of more than 2,500 square feet may be allowed within General Development (D-GN) Subdistrict as special exceptions upon issuance of a permit from the Commission pursuant to Title 12 §685-B, and subject to the applicable requirements set forth in Sub-Chapter III, provided the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the Subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan.
11. Under the provisions of Sub-Chapter III, Section 10.26, A, 2 of the Commission's Land Use Districts and Standards; the minimum lot size required for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet.
12. Under the provisions of Sub-Chapter III, Section 10.26, D, 2 of the Commission's Land Use Districts and Standards; the minimum setbacks for commercial structures, including parking areas is 75 feet from the traveled portion of the nearest roadway and 25 feet from the side and rear property lines.
13. The facts are otherwise as represented in Amendment A to Development Permit application DP 3856, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. In accordance with Section 10.11,C,2, of the Commission's Land Use Districts and Standards, a complete permit application to reconstruct the 20 ft. x 32 ft. store was submitted within two years of demolition and the pre-existing approximately 30 ft. x 60 ft. structure was in active use prior to demolition. The proposed setback for the reconstructed store has been increased from the original setback, which was less than 15 feet from the traveled portion of the nearest roadway to 48 feet. Pursuant to Section 10.26, D, 2 of the Commission's Land Use Districts and Standards; the minimum setback for commercial structures, including parking areas is 75 feet from the traveled

portion of the nearest roadway. The existing topography and property line prevent the reconstruction from meeting the required setback. Setting the reconstructed store 48 feet back from the traveled portion of the road meets the setback requirements to the maximum possible extent at this site.

2. In accordance with Sections 10.21C,3,d(1)(b) of the Commission's Land Use Districts and Standards, the reconstructed commercial store and reconstructed duplex rental cabin are commercial uses consistent with Development Permit DP 3856, the Commission's original decision for Pray's General Store and Cottages; are compatible with the surrounding uses within the D-GN Subdistrict; and are buffered from the recreational uses within the nearby P-RP, P-AL, P-SL and P-GP Subdistricts. Therefore, they uses allowed by Special Exception within the (D-GN) General Development Subdistrict.
3. In accordance with Sub-Chapter III, Section 10.26, A, 2 of the Commission's Land Use Districts and Standards, the property is approximately 14 acres, which exceeds the 40,000 square feet minimum lot size.
4. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

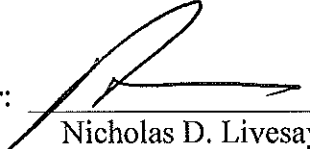
Therefore, the staff approves the application of Abol, LLC with the following Conditions:

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies for the commercial operation of the store and rental cabins, including but not limited to: Subsurface Wastewater Disposal System approval from the Local Plumbing Inspector and/or Maine Department of Health and Human Services, Subsurface Wastewater Program; the Maine Fire Marshal's Office; and the Maine Department of Health and Human Services, Division of Health Engineering, Eating and Lodging Program.
3. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
4. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.

5. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
6. The conditions of Development Permit DP 3856 remain unchanged and in force.

This permit is approved upon the proposal as set forth in the application and supporting documents except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS TWENTYETH DAY OF NOVEMBER, 2015.

for:  *Nicholas D. Livesay*
Nicholas D. Livesay, Executive Director



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

**STANDARD CONDITIONS OF APPROVAL
FOR ALL DEVELOPMENT PERMITS**

1. The permit certificate must be posted in a visible location on your property during development of the site and construction of all structures approved by this permit.
2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
3. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (5) years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.
5. Setbacks of all structures, including accessory structures, from waterbodies, roads and property boundary lines must be as specified in conditions of the permit approval.
6. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and advised of the conditions of approval. The new owner or lessee must contact the Land Use Planning Commission to have the permit transferred into his/her name and to reflect any changes proposed from the original application and permit approval.
7. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
8. The permittee shall not advertise Land Use Planning Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
9. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

Administrative Policy Revised 04/04